



# PUBLIC NOTICE

Federal Communications Commission  
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DA 96-2079  
December 10, 1996

## MCI COMMUNICATIONS CORPORATION AND BRITISH TELECOMMUNICATIONS PLC SEEK FCC CONSENT FOR PROPOSED TRANSFER OF CONTROL

GN Docket No. 96-245

MCI Communications Corp. (MCI) and British Telecommunications plc (BT) have filed applications under the Cable Landing License Act<sup>1</sup> and Sections 214(a) and 310(d) of the Communications Act of 1934, as amended,<sup>2</sup> requesting Commission approval of the transfer of control to BT of licenses and authorizations held by MCI subsidiaries. This transfer of control would take place as a result of the proposed merger of MCI, a U.S. corporation, and BT, a U.K. public limited company, which would create a single telecommunications company named Concert plc (Concert). After the proposed merger, MCI and BT would become wholly-owned subsidiaries of Concert.

Interested parties may file comments or petitions to deny regarding these applications no later than January 24, 1997. Reply comments or oppositions to these comments and petitions may be filed no later than February 24, 1997. Replies may be filed no later than March 17, 1997. For administrative convenience, the various applications listed below have been consolidated into one general docket. Accordingly, new file numbers will not be assigned to the individual applications for transfer of control. All filings regarding any aspect of the proposed merger should reference the general docket number assigned to this proceeding, GN Docket No. 96-245.

### EX PARTE STATUS OF THIS PROCEEDING

For purposes of *ex parte* communications, the Commission's regulations categorize Section 214(a) requests that are formally opposed as non-restricted, and Section 310(d) and cable landing license requests that are formally opposed as restricted.<sup>3</sup> Under the

<sup>1</sup> An Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39.

<sup>2</sup> 47 U.S.C. §§ 214(a) and 310(d).

<sup>3</sup> 47 C.F.R. § 1.1200 *et seq.*

Commission's regular practice, the entire proceeding here would be treated as restricted. Because this proceeding involves unusually broad issues of public policy, however, it will be treated as non-restricted for purposes of *ex parte* communications.<sup>4</sup>

We note that the separate proceeding involving the Direct Broadcast Satellite (DBS) service authorization of an MCI subsidiary (File No. 73-SAT-P/L-96) currently is treated as restricted for *ex parte* purposes. Because some of the arguments raised by parties in that proceeding may also be raised in the context of MCI's application to transfer control of the authorization to BT, we reclassify, pursuant to Section 1.1200(a) of the Commission's rules,<sup>5</sup> MCI's DBS authorization proceeding as non-restricted to avoid uncertainty or confusion about topics that may be treated as restricted.

Interested parties should also note that our decision to treat this transfer of control proceeding as non-restricted will not affect the continuing status of FCC File Nos. 878286 and 878287 as restricted proceedings. These proceedings involve unrelated applications for the assignment of two public coast station licenses by Western Union International, Inc. (WUI), an MCI subsidiary, to Globe Wireless, Inc.<sup>6</sup> We will continue to treat any matters relating to the proposed assignment of WUI's two public coast station licenses as restricted.

Accordingly, *ex parte* presentations<sup>7</sup> in this proceeding will be governed by the procedures set forth in Section 1.1206 of the Commission's rules,<sup>8</sup> that are applicable to non-restricted proceedings. *Ex parte* presentations in non-restricted proceedings generally are permitted subject to disclosure.<sup>9</sup>

## TRANSFER OF CONTROL APPLICATIONS

The applications for transfer of control are listed below. They are separated by type of authorization or license and, within that category, by the MCI subsidiary that holds the authorization or license. Each MCI subsidiary may hold multiple authorizations or licenses of a particular type. Interested parties should refer to the transfer of control applications contained in Volume Two of the filing for a complete listing of the authorizations and licenses encompassed by the proposed merger.

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<sup>4</sup> 47 C.F.R. § 1.1200(a).

<sup>5</sup> *Id.*

<sup>6</sup> MCI requests that the Commission dismiss the applications to transfer control of the public coast stations to BT in the event that the assignment applications are approved.

<sup>7</sup> An *ex parte* presentation is any communications (spoken or written) directed to the merits or outcome of a proceeding made to a Commissioner, a Commissioner's assistant, or other decision-making staff member, that, if written, is not served on other parties to the proceeding or, if oral, is made without an opportunity for all parties to be present. 47 C.F.R. § 1.1202.

<sup>8</sup> 47 C.F.R. § 1.1206.

<sup>9</sup> See 47 C.F.R. § 1.1208(a).

## **SECTION 214 AND CABLE LANDING LICENSE APPLICATION**

The following are included within an application for consent to transfer control from MCI to BT of Section 214 authorizations or interests in such authorizations held or requested by MCI or its subsidiaries:

### General Authorizations (e.g., resale and blanket authorizations):

MCI Telecommunications Corporation (multiple authorizations)

### Cable Landing Licenses:

MCI International, Inc. (multiple authorizations)

### Section 214 Authorization for Cable Facilities:

MCI International, Inc. (multiple authorizations)

### Separate Satellite Systems Authorizations:

MCI Telecommunications Corporation (multiple authorizations)

### Other International Section 214 Authorizations:

RCA Globcom (multiple authorizations)  
Western Union International, Inc. (multiple authorizations)  
SOUTHERNNET dba Telecom\*USA  
MCI International, Inc.

### Country Authorizations:

MCI Telecommunications Corporation (multiple authorizations)  
MCI International, Inc. (multiple authorizations)

## **SECTION 310 APPLICATIONS**

### Domestic Public Fixed Radio Services

The following are applications for consent to transfer control from MCI to BT of Point-to-Point Microwave Service authorizations held by MCI or its subsidiaries:

MCI Telecommunications Corporation (WLB728, et al.) (multiple licenses)  
Western Union International, Inc. (KUA52, et al.) (multiple licenses)

### Earth Stations

The following are applications for consent to transfer control from MCI to BT of

Earth Station licenses held by MCI or its subsidiaries:

MCI International, Inc. (E930192, et al.)  
MCI Telecommunications Corporation (E8195, et al.) (multiple licenses)  
Overseas Telecommunications, Inc. (E950371, et al.) (multiple licenses)

#### Public Coast Stations

The following is an application for consent to transfer control from MCI to BT of Public Coast Station Service licenses held by MCI or its subsidiaries:

Western Union International, Inc. (KPH and WCC)

#### Private Telephone Maintenance Radio Service

The following is an application for consent to transfer control from MCI to BT of Private Telephone Maintenance Radio Service licenses held by MCI or its subsidiaries:

MCI Telecommunications Corporation (KA69811, et al.) (multiple licenses)

#### Private Business Radio Service

The following are applications for consent to transfer control from MCI to BT of Private Business Radio Service licenses held by MCI or its subsidiaries:

Western Union International, Inc. (KB84126)  
MCI Telecommunications Corporation (KNNK969, WPIN 200)

#### Private Aircraft Station Licenses

The following is an application for consent to transfer control from MCI to BT of private aircraft station licenses held by MCI or its subsidiaries:

MCI Transcon Corporation (N332MC, et al.) (multiple licenses)

#### CMRS Air-Ground License

The following is an application for consent to transfer control from MCI to BT of an 800 MHz Air-Ground license held by MCI or its subsidiaries:

In-Flight Phone Corporation (KNKG798)

### **DIRECT BROADCAST SATELLITE AUTHORIZATION APPLICATION**

The following is an application for consent to transfer control from MCI to BT of a

Direct Broadcast Satellite (DBS) authorization if granted to MCI subsidiary:<sup>10</sup>

MCI Telecommunications Corporation (File No. 73-SAT-P/L-96)

## FOREIGN CARRIER AFFILIATION NOTIFICATION

Pursuant to Section 63.11 of the Commission's rules,<sup>11</sup> MCI filed with the Commission a notification of the affiliations it will have with foreign carriers upon consummation of the proposed transfer of control. Interested parties should refer to Volume Two, Tab B of the filing for a complete listing and description of the affiliates.

## ADDITIONAL INFORMATION

The transfer of control requests listed here have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies.

An original and four copies of all pleadings must be filed in accordance with Section 1.51(c) of the Commission's rules.<sup>12</sup> In addition, one copy of each pleading must be filed with (1) International Transcription Services, Inc., the Commission's duplicating contractor, at its office at 2100 M Street, N.W., Suite 140, Washington, D.C. 20037; (2) the International Reference Room, International Bureau, Room 102, 2000 M Street, N.W., Washington, D.C. 20554; and (3) the Wireless Reference Room, Wireless Telecommunications Bureau, Room 5608, 2025 M Street, N.W., Washington, D.C. 20554.

Parties are also encouraged to file a copy of all pleadings on a 3.5 inch diskette in an IBM-compatible format using WordPerfect 5.1 for Windows software in a "read only" mode. Diskette submissions would be in addition to, and not a substitute for, the hard copy filing requirements reviewed above. All diskettes should be clearly labeled with (1) the party's name; (2) the name of the proceeding and docket number; (3) the type of filing submitted (*e.g.*, comments or reply comments); and (4) the date of submission. The diskettes should be accompanied by a cover letter and filed with: William F. Caton, Acting Secretary, FCC, Room 222, 1919 M Street, N.W., Washington, D.C. 20554.

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<sup>10</sup> MCI's request to transfer control of the DBS authorization is conditioned on the grant of this authorization by the Commission to MCI Telecommunications Corporation. On December 5, 1996, the International Bureau adopted an order in which it found that MCI Telecommunications Corporation's authorization was ready for grant upon the submission of the balance of the amount bid at auction. *See Application of MCI Telecommunications Corporation for an Initial Construction and Launch Authorization in the Direct Broadcast Satellite Service*, File No. 73-SAT-P/L-96, DA 96-1793 (rel. Dec. 6, 1996).

<sup>11</sup> 47 C.F.R. § 63.11.

<sup>12</sup> 47 C.F.R. § 1.51(c).

Copies of the applications and any subsequently filed documents in this matter may be obtained from International Transcriptions Services, Inc. (ITS), 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857-3800. In addition, the applications and any pleadings received by the Commission on a 3.5 inch diskette in WordPerfect 5.1 format can be found on the FCC's World Wide Web Site at <http://www.fcc.gov>. The applications and any subsequently filed documents are also available for public inspection and copying during normal reference hours at the Commission's Reference Center, 1919 M Street, Room 239, Washington, DC 20554.

Any entity that makes a permitted *ex parte* presentation with respect to any of the applications on or after December 10, 1996, should provide an original and one copy of a written memorandum to the Commission's Acting Secretary (with a copy to the Commissioner or staff members involved) that, at a minimum, summarizes the substance of the presentation. Interested parties are reminded that to comply with the *ex parte* rules, such written memoranda must contain more than merely a listing of the subjects discussed, and generally more than a one or two sentence description of the views and arguments presented.<sup>13</sup> Because we anticipate that there will be parties filing comments, we require MCI/BT to file summaries of any oral presentations, whether or not they are *ex parte* presentations, made on or after December 10, 1996, the release date of this Public Notice, until comments are filed, at which time the *ex parte* procedures discussed above will apply.

In addition, one copy of such written memorandum must be filed with (1) International Transcription Service, Inc., the Commission's duplicating contractor, at its office at 2100 M Street, N.W., Suite 140, Washington, D.C. 20037; (2) the International Reference Room, International Bureau, Room 102, 2000 M Street, N.W., Washington, D.C. 20554; and (3) the Wireless Reference Room, Wireless Telecommunications Bureau, Room 5608, 2025 M Street, N.W., Washington, D.C. 20554. All filings must clearly indicate the general docket number, GN Docket No. 96-245, the date on which the presentation was made, and the fact that the appropriate number of copies have been submitted to the locations noted above. All filings must be labeled or captioned as an *ex parte* presentation.

For further information, contact James W. Hedlund, Telecommunications Division, International Bureau, (202) 418-1470.

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<sup>13</sup> See Amendment of Subpart H, Part 1 of the Commission's Rules and Regulations Concerning Ex Parte Communications and Presentations in Commission Proceedings, Report and Order, GN Docket No. 86-225, FCC 87-94, 2 FCC Rcd 3011, 3021 (¶ 79) (1987).